

Message Text

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E. O. 11652: N/A

TAGS: EIND, AR

SUBJECT: ARTICLE NINE - TRADEMARK REQUIREMENTS, ARGENTINE LAW NO.
20,794 GOVERNING LICENSING AND TECHNOLOGY TRANSFER

REF: BUENOS AIRES 4412 AND PREVIOUS

1. S&T COUNSELOR DISCUSSED PROBLEMS CREATED BY ARGENTINE TECHNOLOGY TRANSFER LAW AS REGARDS TRADEMARKS IN MEETING WITH INTI CHIEF REYNALDO UBERTALLI ON JULY 2. UBERTALLI WAS INTERESTED IN OUR COMMENTS AND SPECIFICALLY ASKED THAT WE SEND THEM TO HIM IN WRITING. HE INDICATED THAT HE WOULD PURSUE THE MATTER WITH INDUSTRIAL DEVELOPMENT SECRETARY LUIS JOSE VASALLO. CLUE TO UBERTALLI'S ULTIMATE ATTITUDE ON THIS AND RELATED MATTERS PERHAPS LIES IN HIS CHARACTERISTICS OF FOREIGN FIRMS WHICH OPERATE IN ARGENTINA AS GOOD OR BAD FOR THE COUNTRY BASED ON WHETHER OR NOT THEY CHOOSE TO OPERATE PLANTS HERE TO PRODUCE THEIR PRODUCTS (AND MAKE JOBS FOR ARGENTINES) AS OPPOSED TO PRIMARILY JUST IMPORTING PRODUCTS FROM ABROAD.

2. WITH RAPID-FIRE CHANGES IN ECONOMY MINISTRY WHICH FOLLOWED THIS MEETING, WE HAVE HELD OFF SENDING THE LETTER PENDING CLARIFICATION OF VASALLO'S, AND HENCE ALSO UBERTALLI'S POSITION. AS VASALLO WAS CONFIRMED BY NEW MINISTER CAFIERO, AND UBERTALLI SHOWS ALL SIGNS OF STAYING, WE HAVE SENT THE LETTER SIGNED BY S&T COUNSELOR TO UBERTALLI MAKING POINTS IN STATE 75935 WHICH HAD BEEN PREVIOUSLY RAISED WITH HIM ORALLY.

3. COMMENT: WHILE WE ARE NOT OPTIMISTIC THAT, UNDER CURRENT
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PARTICULARLY UNSETTLED STATE OF POLITICS AND ECONOMY HERE,

THE GOVERNMENT WILL MOVE RAPIDLY TO PROPOSE CHANGES IN LAW
20,794 TO THE CONGRESS (AND THERE IS ADMITTEDLY SOME RISK,
WHICH WE HOPE IS SMALL, OF COUNTER PRODUCTIVITY IN OUR
ACTION), WE HAVE AT LEAST PLANTED THE SEED OF OUR CONCERN
WITH RESPECT TO DIVERGENCIES BETWEEN ARGENTINE LAW AND THE
PARIS CONVENTION, CONCERNING TRADEMARKS. WE UNDERSTAND THAT
PRIVATE INDUSTRY HERE IS EXPRESSING SIMILAR CONCERN TO THE
GOA. (A LEADING ARGENTINE ATTORNEY, WHO REPRESENTS AT LEAST
ONE MAJOR U.S. FIRM, HAD DISCUSSED THE MATTER WITH
UBERTALLI ALSO). WE WOULD URGE THE DEPT. TO BE SURE THAT
U.S. FIRMS WHICH MIGHT BE AFFECTED BY THIS PROBLEM ARE MADE
FULLY AWARE OF IT AND ARE URGED TO RAISE THE MATTER DURING
ANY NEGOTIATIONS WITH THE GOA. THE DEPT MIGHT ALSO WISH TO
CONSIDER DISCUSSING THIS MATTER WITH OTHER GOVERNMENTS WHICH
WOULD HAVE SUBSTANTIAL COMMERCIAL INTERESTS AFFECTED (E.G. FRG,
FRANCE, ITALY, JAPAN), WHICH COULD BE DONE AT EMBASSY LEVEL HERE
OR IN CAPITALS OR AN APPROPRIATE INTERNATIONAL FORUM.
HILL

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